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NO. 8822 P. 1

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ATTN: MS AMENDMENT

DATE: November 16, 2005

PTO IDENTIFIER: Application Number 10/502083
Patent Number

Inventor: Jens Lerchl et al.

MESSAGE TO: U.S. Patent & Trademark Office

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PAGES (Including Cover Sheet): 7

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Application No.: 10/502083

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Attorney Docket No. 12810-00046-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jens Lerchl et al.

Application No.: 10/502,083

Confirmation No.: 4008

Filed: July 22, 2004

Art Unit: N/A

For: Novel Elongase Gene, and Process for the
Preparation of Polyunsaturated Fatty Acids

Examiner: Not Yet Assigned

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed October 17, 2005, Applicants hereby provisionally elect Group I, claims 1-4, 6-11 and 22-25 and plants as the transformed organism, with traverse. Applicants strongly urge reconsideration of the restriction requirement for the following reasons.

The Claimed Inventions Share a Special Technical Feature

Because this application is a national stage filing pursuant to 35 U.S.C. § 371, unity of invention under PCT Rule 13.1 and 13.2 is the applicable standard. Unity of invention is fulfilled "when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical feature. The expression 'special technical feature'